

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA;

CASE NO. C17-1138-JCC

Plaintiff;

ORDER

v.

THE REAL PROPERTY COMMONLY
KNOWN AS 101 WEST HERMOSA DRIVE,
SAN GABRIEL, CALIFORNIA 91775, LOS
ANGELES COUNTY, PARCEL NO.
536021022, TITLED IN THE NAME OF DEK
GROUP, LLC;

ALL FUNDS CONTAINED IN WELLS
FARGO BANK ACCOUNT NUMBER
XXXXXXX4582, HELD IN THE NAME OF
BRIAN K. BURNETT;

AND

ALL FUNDS CONTAINED IN BANK OF
AMERICA ACCOUNT NUMBER
XXXXXXXXX9392, HELD IN THE NAME OF
DEK GROUP, LLC;

Defendants.

This matter comes before the Court on the Government's status report (Dkt. No. 24). The
Court previously stayed all proceedings in this civil forfeiture case because the Government was

1 prosecuting a related criminal case before the Court. *See United States v. Shelburne, et al.*, Case
2 No. CR17-0203-JCC, Dkt. No. 1 (W.D. Wash. 2017). The Court concluded that the civil and
3 criminal cases were sufficiently related and that civil discovery would adversely affect the
4 Government's ability to investigate and prosecute the criminal case. (Dkt. No. 15 at 3) (citing 18
5 U.S.C. § 981(g)(1)). The Court has granted four extensions of the stay. (Dkt. Nos. 18, 20, 22,
6 24.)

7 In its status report, the Government notes that the criminal case is ongoing. (Dkt. No. 25
8 at 3.) The Government is continuing to prosecute a defendant who may claim ownership of the
9 properties at issue in this civil forfeiture action. (*Id.*); *see also Shelburne*, CR17-0203-JCC, Dkt.
10 No. 268. Therefore, the Government asks the Court to continue the current stay. (Dkt. No. 25 at
11 3.)

12 The Court concludes that it is appropriate to continue its stay of proceedings. The
13 Government continues to investigate and prosecute the related criminal case. The Government
14 seeks forfeiture of some of the same assets named in this civil forfeiture action. *Shelburne*,
15 CR17-0203-JCC, Dkt. No. 48 at 15–17; (Dkt. No. 1 at 55–59.) The Court finds that allowing
16 civil discovery in this case would adversely affect the Government's ongoing investigation and
17 prosecution in the criminal case. 18 U.S.C. § 981(g)(1).

18 All proceedings in this matter remain STAYED until the related criminal case, *Shelburne*,
19 CR17-0203-JCC, is resolved, either through a verdict or guilty plea. The United States shall file
20 a status report no later than November 9, 2020.

21 DATED this 7th day of July 2020.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE